

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
CLOSED SESSION DOCKET  
FOR  
MONDAY, FEBRUARY 28, 2005  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**NOTE:** In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings, adopted on March 29, 2004, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Please see the regular meeting Open Session Agenda to determine when such matters may be heard.**

The City Council will meet in Closed Session immediately following the conclusion of the regular open session meeting on Monday, February 28, 2005, and may continue into Tuesday, March 1, 2005.

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-1 *Engelhorn v. City of San Diego***  
Claim No. LP04-7773-2958

DCA McGuinness

This matter arises from a sewer backup that damaged the claimant's house. In closed session, the City Attorney will brief the Mayor and City Council on the matter and discuss possible settlement.

**CS-2 *Mesa, et al. v. City of San Diego***  
Claim No. LP03-0705-0649

DCA McGuinness

This matter arises from a water main break which caused property damage to a home in North Park. In closed session, the City Attorney will brief the Mayor and City Council on the matter and discuss possible settlement.

**CS-3 *County of San Diego County Taxpayers Association v. City of San Diego***  
San Diego Superior Court No. GIC 841487

DCA McGrath

This matter involves a lawsuit against the City seeking to invalidate that agreement known as “Manager’s Proposal II”, between the City and the Retirement Board. In closed session the City Attorney will brief the City Council on the matter and make appropriate recommendations for proceeding.

**CS-4 *SDCERS v. Michael Aguirre, et al.***  
San Diego Superior Court No. GIC 841845

DCA McGrath

This matter involves a lawsuit against the City and the City Attorney seeking a declaration and injunctive relief as to the rights of the Retirement System and its Board of Administration with respect to the provisions of legal advice and the role of the City Attorney, and the ownership on control of certain documents. In closed session the City Attorney will advise the City Council on the matter and make appropriate recommendations for proceeding.

**Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):**

**CS-5 *Torrey Pines Trademark***

DCA assigned: Edmonson

This matter involves potential litigation against the Lodge at Torrey Pines related United States Patent and Trademark Office Registration Number 2,335,620 of the trademark *TORREY PINES*. In closed session the City Attorney will advise the City Council on the City’s options with respect to initiation of litigation.

**Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):**

**CS-6 *In the matter of City of San Diego Bond Offerings, Securities & Exchange Commission No. LA-2842, and United States Attorney’s Office Investigation into certain City of San Diego Financial Disclosure Matters.***

ACA assigned: Aguirre

These matters involve investigations by the SEC and the U.S. Attorney’s Office into certain financial matters of the City. In closed session, the City Attorney will report on the status of these matters and discuss possible resolutions of the SEC’s investigation with respect to the City of San Diego only.

**Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

**CS-7 Agency negotiators: Lamont Ewell, Cathy Lexin, Mike McGhee**

Employee organizations: Municipal Employees Association, Local  
127 AFSCME, AFL-CIO, Local 145  
International Association of Firefighters  
AFL-CIO, San Diego Police Officers  
Association

HDCA assigned: Morris

In closed session, the City's negotiating team will review with the City Council the City's anticipated position with respect to the upcoming meet and confer process. Topics to be discussed include, but are not limited to: 1) salaries and wages, 2) health benefit plans, and 3) retirement benefits, including the recommendations from the Pension Reform Committee. The City Manager and staff will request instructions from the City Council as to those matters.

**Conference with Legal Counsel, pursuant to Government Code section 54957:**

**CS-8 *Homeland Security***

DCA assigned: Linley

In closed session, the Office of Homeland Security will advise the Mayor and City Council of the City and region's risk profile, an assessment of our capabilities and needs, and our regional strategy to address our gaps and ensure our preparedness for all hazards.

**Public employment, pursuant to California Government Code section 54957(b)(1):**

**CS-9 Title: City Manager**